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66 E. Main Street Marlton, New Jersey

Tel: (856) 810-1515 Fax: (856) 810-1454

July 23, 2004

TO: Examiner Naff (TC1600)

GROUP: 1651

FAX NUMBER: 703-872-9306

ATTORNEY DOCKET NO.: DRE-0067

SERIAL NO.: 10/052,121

FILED: January 17, 2002

NUMBER OF PAGES: 7

MESSAGE: Attached please find Amendment Transmittal Letter, Reply to Restriction Requirement mailed June 23, 2004 and Certificate of Transmission by Facsimile.

Kathleen A. Tyrrell, Registration No. 38,350

URGENT! PLEASE DELIVER IMMEDIATELY UPON RECEIPT. THANK YOU!

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CERTIFICATE OF	TRANSMISSION BY FACS	SIMILE (37 CFR 1.8)		Docket No. DRE-0067
Applicant(s): Laurencin	et al.		<u> </u>	DKE-0007
Application No.	Filing Date January 17, 2002	Examiner Naff, David M.	:	Group Art Unit 1651
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Invention: Biocompatib	and Methods for Preparation and	Use Thereof		
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Application No. 10/052,121 January 17, 2002 Naff, David M. 26259 1651 1651 1682 Invention: Biocompatible, Biodegradable Polymer-based, Lighter Than or Light as Water Scaffolds for Tissue Engineering and Methods for Preparation and Use Thereof COMMISSIONER FOR PATENTS: Transmitted herewith is an amendment in the above-identified application. Applicant claims small entity status. See 37 CFR 1.27 The fee has been calculated and is transmitted as shown below. CLAIMS AS AMENDED	AMENDMENT TRANSMITTAL LETTER (Small Entity) Applicant(s): Laurencin et al.						Docket No. DRE-0067				
COMMISSIONER FOR PATENTS: Commissioner For Patents Commissioner For Patents	• •				_	<u>, </u>					
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□ Applicant claims small entity status. See 37 CFR 1.27 The fee has been calculated and is transmitted as shown below. CLAIMS AS AMENDED CLAIMS REMAINING HIGHEST # NUMBER EXTRA RATE FEE TOTAL CLAIMS 6 20 = 0 x \$9.00 \$0.00 INDEP. CLAIMS 2 3 = 0 x \$43.00 \$0.00 Multiple Dependent Claims (check if applicable) □ \$0.00 TOTAL ADDITIONAL FEE FOR THIS AMENDMENT \$0.00 No additional fee is required for amendment. □ Please charge Deposit Account No. in the amount of to cover the filing fee is enclosed. □ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1619 □ Any additional filing fees required under 37 C.F.R. 1.16. □ Any patent application processing fees under 37 C.F.R. 1.16. □ Any patent application processing fees under 37 C.F.R. 1.16. □ Any patent application by the following fees as a baing deposited on the following fees fees and under 37 C.F.R. 1.6 and is addressed to the following fees and under 37 C.F.R. 1.6 and is addressed to first deposited for the feet of the feet											
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CC: Typed or Printed Name of Person Mailing Correspondence	□ Please charge Deposit Account No. in the amount of □ A check in the amount of to cover the filing fee is enclosed. □ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1619 □ Any additional filing fees required under 37 C.F.R. 1.16. □ Any patent application processing fees under 37 CFR 1.17. □ Arklur □ Junu □ Dated: July 23, 2004 □ Certify that this document and fee is being deposited on with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. □ Please charge Deposit Account No. in the amount of to cover the filing fee is enclosed. □ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1619 □ Any additional filing fees required under 37 C.F.R. 1.16. □ Dated: July 23, 2004 □ Certify that this document and fee is being deposited on with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. □ Please charge is enclosed. □ The Director is hereby authorized to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.										
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.:

DRE-0067

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JUL 2 3 2004

Inventors:

Laurencin et al.

Serial No::

10/052,121

Filing Date:

January 17, 2002

Examiner:

Naff, David M.

Group Art Unit:

1651

Title:

Biocompatible, Biodegradable Polymerbased, Lighter Than or Light as Water Scaffolds for Tissue Engineering and Methods for Preparation and Use Thereof

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I hereby cartify that this document is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

On July 23, 2004

athleen A. Tyrrell, Registration No. 88,350

Assistant Commissioner for Patents Washington, D.C. 20231

Dear Sir:

Reply to Restriction Requirement

This is a reply to the Restriction Requirement mailed June 23, 2004 setting a one (1) month statutory period for response. Please enter the following remarks into the record.

Remarks begin at page 2.

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Laurencin et al.

Serial No.:

10/052,121

Filing Date:

January 17, 2002

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REMARKS

Claims 1-6 are pending in the instant patent application. Claims 1-6 have been subjected to a Restriction Requirement as follows:

Group I, claims 1-3, 5 and 6, drawn to a scaffold for tissue engineering comprising microcarriers and a method of regenerating tissue using the scaffold, classified in class 424, subclass 93.7; and

Group II, claim 4, drawn to a method for producing scaffolds for tissue engineering by preparing microcarriers, bonding the microcarriers into a scaffold and seeding the scaffold with cells, classified in class 435, subclass 395.

The Examiner has acknowledged Groups I and II' to be related as process of making and product made. However, the Examiner suggests that the Groups are distinct because the scaffold of Group I can be made by a materially different process than required by the method of Group II.

Applicants respectfully traverse this Restriction Requirement.

MPEP §803 provides two criteria which must be met for a restriction requirement to be proper. The first is that the inventions be independent or distinct. The second is that there

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Attorney Docket No.:

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would be a serious burden on the Examiner if the restriction was not required. A search of the prior art relating to scaffold of Group I would clearly reveal any art relating to methods for their production (Group II). Thus, it does not appear that a serious burden would be placed upon the Examiner if this restriction were not made.

Accordingly, since this Restriction Requirement does not meet both criteria as set forth in MPEP § 803 to be proper, reconsideration and withdrawal of this Restriction Requirement is respectfully requested.

However, in an earnest attempt to be completely responsive, Applicants elect to prosecute Group I, claims 1, 2, 3, 5 and 6, drawn to scaffolds for tissue engineering comprising microcarriers and methods of regenerating tissue using the scaffold, with traverse.

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10/052,121

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January 17, 2002

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Applicants believe that the foregoing comprises a full and complete response to the Office Action of record.

Respectfully submitted,

Kathleen A. Tyrrell

Registration No. 38,350

Date: July 23, 2004

LICATA & TYRRELL P.C. 66 E. Main Street Marlton, New Jersey 08053

(856) 810-1515